

NEBRASKA DEPARTMENT
OF INSURANCE

NOV 18 2004

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

LESLIE E. STEWART,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1598

Oct 27, 2004 ACCT# 8521 \$675.00
NO-INVOICE TRANS 1375971
STEWART, LESLIE E
CHECK# 680194

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair, and Leslie E. Stewart ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§44-101.01 (Reissue 1998), and §44-4047 et seq. (R.S.SUPP.,2002).

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Leslie E. Stewart, Cause Number A-1598 on October 15, 2004. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-4064 (R.S.SUPP.,2002) as a result of the following conduct:

- a. On or about May 18, 2004, Respondent issued a check in the amount of \$160.00 to the Petitioner as payment for Respondent's licensing fees. Respondent's check was returned to the Petitioner twice by Respondent's bank marked "Insufficient Funds." Respondent failed to maintain sufficient funds in his bank account to allow clearing of this check, and as such has failed to pay the required licensing fees.
- b. On or about June 4, 2004, Licensing Division Administrator Beverly Creager sent a letter by certified mail to Respondent requiring that the check be replaced with either a money order or a certified check, and that a \$15.00 administrative fee be paid within 10 days from the date of the letter. The letter was returned by the U.S. Postal Service marked "Unclaimed."
- c. Between approximately June 15, 2004 and June 24, 2004, Staff Assistant Phyllis Bourne spoke with Respondent on the telephone. Respondent advised Ms. Bourne that he would be sending a cashier's check or a money order.
- d. On or about August 16, 2004, Licensing Division Administrator Beverly Creager sent a letter by certified mail to the Respondent advising that payment had not been received, and failure to pay would result in an administrative action. The letter was received by Respondent on or about August 18, 2004. To date Respondent has failed to respond to the letter.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

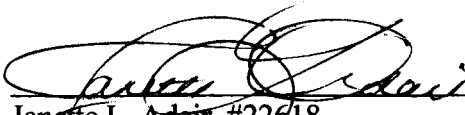
4. Respondent admits the allegations stated in Paragraph 2.

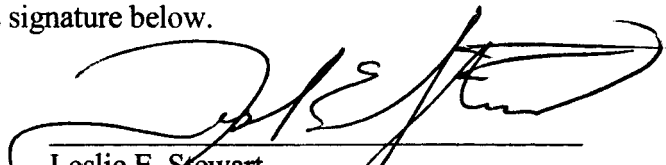
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-4064 (R.S.SUPP.,2002).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Leslie E. Stewart, that Respondent shall pay one hundred seventy-five dollars (\$175.00) to cover the insufficient fund check and the administrative fee for the returned check, and an administrative fine in the amount of five hundred dollars (\$500.00), due within 30 days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amounts required under this consent order, within the time specified, Respondent's Nebraska insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.


Janette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201


Leslie E. Stewart,
Respondent

11-17-04
Date

11-15-04
Date

State of Colorado)
County of Arapahoe) ss.

On this 15 day of November 2004, Leslie E. Stewart personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Marilyn Luegas
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Leslie E. Stewart, Cause No. A-1598.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

11/18/04
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 425 South Cherry Street, Denver, Colorado 80246, by certified mail, return receipt requested on this 22nd day of November, 2004.

Tracy A. Luegas